

Comments

In opposition to Renewal Permit No.62-11

My name is Ex. 6 Personal Privacy (PP) a, a property owner in the Ashurst Bar Smith Community (ABSCO). In accordance to the 1870 census my paternal great grandparents were born in the 1850's making them slaves, and they or their descendants have been in this community about 146 years. This is our inheritance, while this is not a technical issue it is a human rights issue.

The approval of the permit and any renewal applications by the Tallapoosa County Commission for the operation of the Stone's Throw Landfill in the Ashurst Bar Smith Community has impacted our quality of life. The Fourteenth Amendment was adopted in 1868 to offer equal protection and the rights of freed slaves. This amendment also limits the actions of state and local officials which inhibit due process, and prevents citizens from being illegally deprived of life, liberty or property. The Tallapoosa County Commission has never engaged our community in any process to discuss any business concerning this landfill. This is not a technical issue but the issue of inclusiveness to forward an approval from the host community should have included input from the impacted citizens. Therefore, in my opinion ADEM has failed to enforce one of the requirements of the host community (not just the county commission), which is at a minimum to ensure that the impacted community is aware if an analysis has been conducted. The destruction of our environment and property in my opinion is a violation of our Fourteenth Amendment right. Our air, soil, water, personal safety, and the value of our land have been negatively impacted, therefore we are being deprived of a good quality of life.

In my opinion I was never provided a response in my previous comments to ADEM that neither they or the Tallapoosa County Commission have followed the recommendations in the "The U.S. Environmental Protection Agency Office of Civil Rights Investigative Report For Title VI Administrative Complaint File No. 28 R-99-R4 (Yerkwood Landfill Complaint) June 2003", as to why an impact analysis report was not a part of the modification application in 2003. This report which I cited in the public hearing held in 2003 recommended three actions which included requiring consideration of siting factors by the local authority, and if not done or sufficiently done by the local authority then ADEM must do the analysis before permitting an application for a land fill.

Has the Local authority provided ADEM along with their approval of this renewal application a detailed analysis report of the six minimum siting factors as recorded in the Alabama Solid Wastes Disposal Act and ADEM's implementing regulations? This is not an EPA recommendation, but legislation from the State of Alabama. Does ADEM have on record their own detailed analysis if the local authority has not provided a report as a part of this application process or any previous applications? The EPA analysis of the Yerkwood report found nothing in ADEM's regulations that would "preclude this recipient of federal funds from considering the impacts of traffic and socio-economic factors, like noise from a landfill". Is it ADEM's continuing position that it does not have to comply with this recommendation? It is not technical, but it is a recommendation of the EPA to prevent ADEM from," a significant potential for failure to adequately consider safety or socio-economic impacts at any point in the siting and permitting process for municipal solid waste landfills in Alabama."

The ASBC is a 90 % African-American community and Title VI prohibits ADEM from allowing permitting decisions that produce a disparate impact on our community. In my opinion it would suggest there is a pattern of practice in siting landfills in majority African-American communities in Alabama, especially in Tallapoosa County. ADEM's admission in its February 2, 2000 response to the Yerkwood complaint stated, "most of the reasonably available land for landfills is in rural areas which may have a large minority population". This response by ADEM to the allegation of pattern and practice sitings in minority communities does not seem valid, since Alabama's land mass is considerably rural, and the population is majority white. How could there be more minority land or black land ownership? Why is black land in the rural more reasonable and not appraised similar? This response is discriminatory because the then director, Warr of ADEM felt minority land owners were the targeted suppliers because their property was more reasonable.

In this same response, the then director also said that a Subtitle D regulated landfill was designed to prevent rodents, air pollution, and methane gas, etc. These environmental impacts have occurred at Stonethrow's, and yet no one in the community has ever been advised of any violation or compensated for direct property impacts. In 2015 there was sediment that went over on to adjacent properties that generated an enforcement citation by ADEM, but no one was notified or compensated for this damage to their properties. These are technical concerns.

In a fact sheet disseminated by ADEM at the November 10, 2016 public hearing for the Stone's Throw Landfill, the service area is listed as the State of Alabama, why not specify ALL 67 counties (specifically identifies the disproportionate burden) and three Georgia Counties. It is stated that Leachate is collected and treated by the City of Tallassee. However, in a letter dated June 4, 2003 from Environmental Consulting and Engineering, Inc. to Mr. Jonathan Cosby, "leachate recirculation.... This will allow a slow and level introduction of the liquid into the waste." "The facility is also requesting that the leachate be sprayed on the working face by using a spray bar attached to the pump discharge line". In this letter, also the use of a tarp was requested for daily cover instead of soil, (which I hope is clean and not contaminated with toxins). This is a concern for drainage which might wash off and/or driven on to our road by trucks depositing on the face of the landfill. I find this a public health issue and in my opinion these are legitimate environmental concerns which should not be ignored. These are technical issues. As reported by your staff at the hearing, a preliminary decision by ADEM to approve the permit is complete, because of technical compliance.

It is my opinion if the Stone Throw Landfill was sited and did not comply with the EPA's recommendations to do the detail analysis, then the permit should be denied. This landfill's overwhelming expansions to service 67 counties in Alabama, and three in Georgia has resulted in a devastating effect on our community. There has been non-compliance of the posted business hours, road maintenance, roadside litter accumulation, offensive orders, and buzzards. Over the years the facility has had many enforcement violations, such as methane levels, sediment deposits, erosion issues, etc. There is a tremendous amount of concern about our children's ability to load and safely unload their school buses, therefore if ADEM has not discussed this issue with the appropriate Tallapoosa county officials may I suggest that you consider doing so. This is an emergency which needs to be handle now in lieu of the fact that a Black 7-year-old school child in Jefferson was killed by a truck while crossing the road. Traffic safety is a responsibility of the permitting agency, while not a technical issue, traffic is a factor to be considered.

There is a decline in property values, and our quality of life continues to be impacted such that many are reluctantly moving away. Under Title VI we are being discriminated against, because this 90 % African-American community is disproportionately baring the burden of being the site for solid waste for this massive service area. Our community and rights are being violated and adversely impacted by this ever-expanding nuisance in our community, therefore I ask this permit be denied.

Ex. 6 Personal Privacy (PP)

Ashurst Bar Smith Community